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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

8 **IN RE BARD IVC FILTERS PRODUCTS** No. MD-15-02641-PHX-DGC
9 **LIABILITY LITIGATION**

10

11 THIS DOCUMENT RELATES TO: No. CV-17-03288-PHX-DGC
12 *Betsie Dean v. C.R. Bard, Inc., et al.*

13
14 **MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR PLAINTIFF**

15 Pursuant to Rule 83-3(b)(2) of the Local Rules of the United States District Court for the
16 District of Arizona, counsel for Plaintiff Betsie Deane (“Plaintiff”), including attorneys Benjamin
17 A. Bertram and Blair B. Matyszczyk of Bertram & Graf, L.L.C., hereby request that the Court allow
18 for their withdrawal as counsel of record, and in support thereof, state the following:

19 Plaintiff Betsie Deane has failed to respond to multiple attempts to contact her by phone,
20 Federal Express, U.S. Mail, text message, social media, and e-mail regarding compliance with
21 discovery deadlines in the above-captioned case (See “Exhibit A”). Plaintiff’s last known address
22 is 36 Cranberry Lane, Levittown, PA 19055, and all communications by mail has been sent to this
23 address.

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25 Based on the above, all counsel of record identified herein have reached an impasse in their
26 working relationship with Plaintiff and request that the Court allow them to sever their attorney
27 client relationship with respect to this matter.

1 Plaintiff has been given a reasonable amount of time to respond to Counsel's
2 correspondence and other attempts to contact her regarding her discovery obligations and the
3 necessity of completing and serving a PPF. Because Plaintiff has not responded to numerous
4 attempts to contact her, and Counsel is unable to currently advise Defendants or the Court as to
5 whether she wishes to proceed with her case, Counsel now file their Motion to Withdraw.
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7 Based on the foregoing, the undersigned Counsel and law firm moves this Court for entry
8 of an order permitting their withdrawal from representation of Plaintiff in the above-captioned case
9 as soon as possible at the Court's convenience so that Plaintiff, if reached by the Court, can seek
10 alternative legal counsel or decide as to whether she wants to continue pursuing her case. A
11 proposed Order granting Counsel's motion is attached hereto as "Exhibit B."
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13 A copy of this motion will be served upon Plaintiff at her last known address of 36
14 Cranberry Lane, Levittown, PA 19055 as well as via e-mail.
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16 Dated: April 25, 2018

Respectfully submitted,

17 **BERTRAM & GRAF, L.L.C.**

18 /s/ Blair B. Matyszczyk
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23 *Attorneys for Plaintiff*

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this 25th day of April, 2018, I electronically transmitted the
3 attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a
4 Notice of Electronic Filing.

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7 */s/ Blair B. Matyszczyk*
8 Attorney for Plaintiff

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